



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 7928-99

8 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 26 May 1999 at the age of 18. Your record shows that during the period from 28 July to 27 September 1999, while in recruit training, you failed to meet physical fitness requirements on several occasions. Your record further reflects that you demonstrated unsatisfactory behavior, lacked military bearing and motivation, and failed to adapt to a military environment.

Your record also reflects that on 1 October 1999 you were notified of proposed action for an administrative separation by reason of entry level performance and conduct. You waived your rights to consult with legal counsel and to submit a written statement in rebuttal to the separation. On 4 October 1998 the discharge authority directed you be separated from the Navy with

an uncharacterized entry level separation by reason of entry level performance and conduct. On 7 October 1999 you were so separated and assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contentions that you would like your reenlistment code changed so that you may reenlist, and your discharge to reflect your positive efforts. The Board further considered your contention that your separation was caused by your temporary medical problems and personal burdens which you tried to overcome. However, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code given your failure to adapt to military life. The Board concluded that your substandard performance and conduct and the reason for your discharge were sufficient to support the assignment of an RE-4 reenlistment code. Further, such a code is normally assigned to individuals who are separated due to their failure to complete recruit training. Given all the circumstances of your case, the Board concluded your reenlistment code was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director